

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8266 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BALWANTSINH KARSANSINH WAGHELA

Versus

STATE OF GUJARAT & 1

Appearance:

MR PR ABICHANDANI for Petitioner

MR VB GHARANIA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/04/99

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner, by this special civil application under Article 226 of the Constitution of India, challenges the action of the respondent in not fixing the pay scale of the petitioner, an officer in the cadre of Jailor, Group-II, in the pay scale of 1640-2900 with

effect from 1.1.86. The pay scale of Rs.1400-2300 is prescribed for the cadre of Jailor, Grade-II with effect from 1.1.86. The petitioner claims parity in the pay scale with the pay scale of the cadre of PSI, i.e. 1640-2900.

#. The learned counsel for the respondent contends that the State of Gujarat has already appointed a committee to examine the representations of pay anomalies and allied matters. The learned counsel for the respondent has shown a copy of the Resolution No.PGR-1098-34-M dated 20th May 1998 of the Finance Department, Government of Gujarat at Gandhinagar, under which, in pursuance of the recommendations of the High Power Committee appointed by Government, it has been decided to constitute a pay anomalies committee to examine the representations of pay anomalies and allied matters of the employees of the State Government. This committee consisted of four members. The learned counsel for the respondent contends that the terms of reference of the committee includes anomalies arising out of the Gujarat Civil Services (Revision of Pay) Rules, 1987 as well as the Gujarat Civil Services (Revision of Pay) Rules, 1998 and the petitioner in respect of his grievances made in this special civil application can make a representation to the said Committee.

#. I find sufficient merits in this objection of the learned counsel for the respondents. In the matter of pay scale anomalies and more so where the employee is claiming parity with the pay scale of some other cadre or category of posts, the matter has to be examined by the expert committee, i.e. the pay commission. Such matters normally should not come directly before this Court, more so where the Government of Gujarat has constituted pay anomalies committee.

#. In the result, this special civil application is dismissed at this stage. However, dismissal of this special civil application will not come in the way of the petitioner to file representation in respect of the grievances made in this special civil application before the pay anomalies committee constituted by the Finance Department, Government of Gujarat, under its Resolution dated 20th November 1998 and in case such representation is made by petitioner, the said committee is expected to decide the same in accordance with law. Rule discharged. No order as to costs.

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[sunil]